

II. Remarks

Reconsideration and allowance of the subject application are respectfully requested.

Claims 1, 2, 5-7, 9-12, 69, and 70 are pending. Claim 1 is independent. Claims 5, 10 and 11 have been amended herein for clarity with respect to the specification and drawings. No new matter has been added.

Claim 10 has been objected to because of the informality of an inadvertent typographical error of omitting two negative signs. Accordingly, Claim 10 has been amended to correct this error and to obviate the objection.

Claim 5 stands rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Claim 5, which depends from independent Claim 1, had previously recited "the system is in a disposable cartridge", but then Claim 1 was amended to recite that the system includes an additional component that is not described as being "in" the cartridge. Accordingly, Claim 5 has been amended herein to clarify that the first and second immunosensors are in the cartridge.

Claims 1, 2, 5, 6, 7, 9, 10, 12, 69, and 70 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent Application Publication No. US 2004/0106190 to Yang, et al. (hereinafter referred to as "Yang") in view of U.S. Patent No. 6,087,088 to Piran. Claim 11 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Yang in view of U.S. Patent Application Publication

No. US 2002/0155476 to Pourmand, et al. (hereinafter referred to as "Pourmand").

These rejections are traversed.

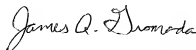
Applicants respectfully submit that the Yang reference is not citable as prior art against that present application. As evidenced by the enclosed Declaration of Inventors under 37 C.F.R. § 1.131 executed by inventors Cary James Miller and John Lewis Emerson Campbell, Applicants conceived and reduced to practice the claimed invention prior to the December 3, 2002 filing date of Yang. In view of Applicants' prior conception and reduction to practice of the invention, Applicants respectfully request that the Examiner remove all rejections of the claims based on Yang. See 37 C.F.R. § 1.131; M.P.E.P. § 715.07. Further, the secondary references cited by the Examiner do not teach or suggest the Applicants' invention as claimed.

In view of the above amendments and remarks, it is believed that this application is now in condition for allowance, and a Notice thereof is respectfully requested.

U.S. Pat. Appln. No. 10/658,529
Amendment Under 37 C.F.R. §1.111

Applicants' attorney may be reached in our Washington, D.C. office by telephone at (202) 625-3633. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



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